

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

GEORGE WESLEY HUGUELY,

Petitioner

v.

HAROLD CLARKE,

Respondent.

Civil Action No. 7:20CV30021

ORDER

By: Hon. Thomas T. Cullen
United States District Judge

In advance of the evidentiary hearing on Petitioner Huguely’s “dictionary claim,” the parties jointly deposed 26 witnesses, including all 12 jurors from Huguely’s murder trial and 14 court personnel (bailiffs and deputy clerks who potentially interacted with the jury during the last day of trial). The parties thereafter filed these depositions with the court, and they have further stipulated that this testimony should be made part of the record in this evidentiary proceeding. The parties have also informed the court that, given the extensive factual record already developed, as set forth in the deposition transcripts, they only intend to call a handful of these witnesses at the final evidentiary hearing.

The court has now read and carefully considered this deposition testimony. Based on this evidence and the fact that parties will only call a handful of these witnesses to testify at the hearing, the court will modify the scheduling order for the final evidentiary hearing and post-hearing matters, as follows. The court concludes that additional briefing from the parties will not assist it in evaluating and weighing the factual record or reaching a decision based on the testimony. Accordingly, the court will cancel the post-hearing briefing schedule as set

forth in its January 11, 2021 order and discussed with the parties during a recent status conference. In lieu of final written briefing, the court will give each party the opportunity to present final oral arguments on the dictionary claim at the conclusion of the evidentiary hearing. The court will give each party 45 minutes to argue this issue, and Petitioner Huguely may split his time between an opening and rebuttal argument.

It is so **ORDERED**.

ENTERED this 15th day of February, 2021.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE